

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVE A. CRANDALL, DOLLY)	
BEULAH MILDRED CRANDALL, and)	
GARY DAVID CRANDALL,)	8:10CV97
)	
Plaintiffs,)	
)	
v.)	MEMORANDUM AND ORDER
)	
COUNTY OF SARPY, et. al.,)	
)	
)	
Defendants.)	

Pending before me are the plaintiffs' motion to voluntarily dismiss defendants Danny K. Stoeber and Lynne L. Heiden, (filing no. [58](#)); and defendant Stoeber's corresponding motion to terminate notice of CM/ECF filings. Filing No. [68](#). No defendant had moved for summary judgment or filed an answer before the plaintiffs filed their motion to voluntarily dismiss defendants Stoeber and Heiden. Accordingly, the plaintiffs' action against these defendants is dismissed as of right, (Fed. R. Civ. P. 41(a)(1)(A)), these defendants should no longer receive CM/ECF notification of filings in this case.

A parallel action, ([Crandall et al v. Sarpy County Nebraska](#), 8:10cv122), was removed to this forum on April 2, 2010. The plaintiffs moved for remand on April 5, 2010, and their motion remains pending. Defendants James Bain, Phillip Barkley, David L. Hartman, R. Gregg Mitchell, Bradford Moore, Nebraska Real Property Appraiser Board, Katherine Policky, and Matthew Wilson, have moved for an extension of their deadline to respond to the plaintiffs' complaint because the ruling on remand may affect the allegations and defenses raised. Filing No. [70](#). Finally, Joseph S. Risko has moved to withdraw as counsel for defendants Daniel E. Hoins and the City of Papillion, (filing no. [71](#)), because new counsel has entered an appearance on these defendants' behalf.

Accordingly,

IT IS ORDERED:

- 1) Plaintiffs' motion to voluntarily dismiss defendants Danny K. Stoeber and Lynne L. Heiden, (filing no. [58](#)), is granted. Defendants Stoeber and Heiden are dismissed without prejudice.
- 2) Defendant Stoeber's motion to terminate notice of CM/ECF filings, (filing no. [68](#)), is granted.
- 3) The motion to continue filed by defendants James Bain, Phillip Barkley, David L. Hartman, R. Gregg Mitchell, Bradford Moore, Nebraska Real Property Appraiser Board, Katherine Policky, and Matthew Wilson, (filing no. [70](#)), is granted, and these defendants shall file their response to the plaintiffs' complaint within ten days after the court's ruling on plaintiffs' motion to remand in Crandall et al v. Sarpy County Nebraska, 8:10cv122.
- 4) The motion to withdraw as counsel for defendants Daniel E. Hoins and the City of Papillion filed by Joseph S. Risko, (filing no. [71](#)), is granted.

DATED this 7th day of May, 2010.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge

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